

TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION

CHAPTER 8 - GRAIN WAREHOUSE RULES AND REGULATIONS

004 GRAIN MOISTURE MEASURING DEVICES:

004.01 Testing and Inspection:

004.01A Scope of Testing: The Grain Warehouse Department shall annually test and inspect all approved grain moisture and test weight measuring devices in Nebraska used to ascertain the moisture content of grain in connection with, or in any manner relating to, the storage, purchase or sale of grain. The Commission's inspection of grain moisture measuring devices shall be for determining the device's accuracy in determining moisture content and test weight of grain and is not intended to determine accuracy of the device's temperature or other measurements.

004.01B Fees: The fees charged to cover the cost of testing and inspecting grain moisture and test weight measuring devices shall be established pursuant to Rules of Commission Procedure, Section 025.

004.01C Approved Grain Moisture Measuring Devices: The warehouse department will maintain a list of approved grain moisture and test weight measuring devices. Devices on the approved list must be inspected by the Commission and pass the Commission's inspection each calendar year. If a device is not inspected each calendar year or it fails to pass an inspection and cannot be repaired, the device will be removed from the list of approved grain moisture and test weight measuring devices. For new grain moisture and test weight measuring devices purchased after 2001 to be included on the list of approved grain moisture and test weight measuring devices, the device must have a current National Type Evaluation Program Certificate at the time of purchase.

004.01D Procedure: All grain moisture measuring devices will be tested against a standard meter which will be furnished by the Commission. All grain moisture measuring devices will be inspected to determine whether they are in proper operational condition and supplied with the proper accessories. The inspection results shall be documented on a form prescribed by the Commission, incorporated herein at the end of the chapter and labeled as Attachment 18, with a copy of the inspection report delivered to the owner or user of the grain moisture measuring device.

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004.01E Grounds for Rejecting Tested Grain Moisture Measuring Devices: Devices may be rejected for any of the following reasons:

004.01E1 The moisture device tested is found to be out of tolerance with the standard meter used by the inspector by more than one-half of one percent on grain up to and including twenty-two percent (22%) moisture content;

004.01E2 The owner or user of the device does not have available the latest charts for the type of device being used;

004.01E3 The owner or user of the device does not have available the proper scale, or scales, and the thermometers for use with the type of device being used; or,

004.01E4 The grain moisture measuring device is not free from excessive dirt or cracked glass, or is not kept in good operational condition at all times.

004.01F Commission Approval or Rejection: The Commission inspector shall affix a decal to each grain moisture and test weight measuring device which has been inspected to indicate approval or rejection by the Commission.

004.01G Procedure for Testing Test Weight Measuring Devices: All test weight measuring devices shall be tested by the inspector against grain samples of known weight.

004.01H Grounds for Rejecting Tested Test Weight Measuring Devices: Devices may be rejected if the test weight measuring device is found to be out of tolerance with the sample used by the inspector by more than eight tenths of a pound per bushel for corn and oats, one-half a pound per bushel for all wheat and seven tenths of a pound per bushel for soybeans, barley, sunflower and sorghum.

004.02 Rejected Grain Moisture and Test Weight Measuring Devices:

004.02A Marking Rejected Grain Moisture Measuring Devices: Whenever a grain moisture and test weight measuring device is rejected, for one or more of the grounds specified in Subsections 004.01E and 004.0G, the inspector shall mark the

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device with a tag or other appropriate seal or mark which will indicate that the device is defective or not properly maintained for use.

004.02B Removal of Rejection Mark: No tag, seal, or mark, indicating that a grain moisture and test weight measuring device has been rejected, will be removed from the device until after the device has been repaired, placed in proper operational condition, supplied with the proper accessories, reinspected, and approved by the Commission.

004.02C Use of Grain Moisture and Test Weight Measuring Device While Marked: A grain moisture measuring device, while marked, sealed, or tagged, as provided in Subsection 004.02A, may not be used to ascertain the moisture content or test weight of grain in connection with, or in any manner relating to, the storage, purchase or sale of grain, except under the following conditions:

004.02C1 The owner or user of the device shall keep a record, open to inspection, of every sample of grain tested by the tagged device, showing that the adjustment was made on all such grain tested.

004.02C2 The device will be repaired to comply with Subsections 004.01E and 004.04G within thirty (30) days, and the Commission thereupon notified. If, upon reinspection, the device again is rejected under the provisions of Subsections 004.01E and 004.04G, it will be sealed and will not be used until repaired and reinspected.

004.03 Placement and Visual Operation of Grain Moisture Measuring Device: Every device in Nebraska used to ascertain the moisture content or test weight of grain in connection with, or in any manner relating to, the storage, purchase or sale of grain, will be used in a location where the test being made may be observed by the producer or owner of the grain being tested and the detailed procedure for running moisture tests will be displayed in a conspicuous place close to the moisture device.

005 GRAIN PROBES:

005.01 Scope: Every mechanical probe in Nebraska, used to collect a sample from a load of grain to determine foreign material content, must be one which has been tested and inspected by the Commission and is listed on the Commission's approved list of mechanical probes.

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005.02 Procedures: Every person shall notify the Commission at once upon the purchase of a mechanical probe or upon the modification of any mechanical probe, now in its possession, to be used in collecting a sample from a load of grain to determine foreign material content, in order that the Commission may check and inspect the probe to determine approval or disapproval. Any mechanical probe for use in collecting a sample from a load of grain to determine foreign material content, which does not appear on either the Commission's approved or disapproved list of mechanical probes, will be reported to the Commission at once.

005.03 Inspections and Approval: The Commission shall place an appropriate seal or tag on all mechanical probes being used under Subsection 005.01 to indicate the probe is approved or disapproved by the Commission. The Commission may inspect or re-inspect any mechanical probe being used for the purpose of verification.

005.04 Hand Trier: The hand trier is an approved probe.

005.05 End Intake Air Probes: The use of end intake air probes, which use a vacuum to collect a sample to determine foreign material content from a load of grain, is prohibited.

005.06 Approved or Disapproved Mechanical Probes: The Commission shall maintain a separate current and complete listing of all manufacturers' approved and disapproved probes.